

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

PAUL IWUCHUKWU,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 95B00144
CITY OF GRAND PRAIRIE,)	
Respondent.)	Marvin H. Morse
		Administrative Law Judge

ORDER OF DISMISSAL, SETTLED
(December 2, 1997)

On October 16, 1997, pursuant to schedule, the confrontational evidentiary hearing came on before me, Administrative Law Judge Marvin H. Morse. Complainant PAUL IWUCHUKWU, personally and through Counsel, Edward B. Klein, and THE CITY OF GRAND PRAIRIE, TEXAS, Respondent, by and through Counsel, Stephen R. Alcorn, appeared for hearing.

Following extensive colloquy in chambers among counsel and the judge, the parties announced that a settlement had been reached in the case. As agreed on the record, and reiterated in this Order of Dismissal, Settled, the parties agree and, accordingly, the Court finds that Paul Iwuchukwu was qualified for the position of Traffic Engineer with the City of Grand Prairie, but that Mark Mathis (Mathis) was hired. The hiring of Mathis was in accordance with a City policy of providing a career ladder and promoting from within.

The parties, by counsel, agreed to tender an agreed order of dismissal not later than November 30, 1997, a date selected to reasonably follow receipt of the hearing transcript. The official copy of the transcript was filed October 31, 1997. On November 17, 1997, Respondent filed a proposed order of dismissal, advising that Complainant's counsel, on whom it was served November 14, 1997, has not responded. Repeated inquiries by the office of the Judge have also elicited no response by Complainant's counsel. However, on November 26, 1997, my office, by telephone, advised the office of Complainant's counsel that absent a communication to the contrary received not later than noon on December 1, 1997, an order of dismissal would follow. No such communication having been received, it is just and efficient that I now issue this Order of Dismissal, Settled.

As agreed on the hearing record, the Complaint is dismissed with prejudice.

IT IS, THEREFORE, ORDERED that this cause of action is dismissed, with prejudice to the refiling of the same.

SO ORDERED.

Dated and entered this 2d day of December 1997.

Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order of Dismissal, Settled were mailed first class this 2d day of December 1997 addressed as follows:

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